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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 4717**  
Andreas PFALTZ et al. : Attorney Docket No. 2006\_0704A  
Serial No. 10/582,404 : Group Art Unit 1621  
Filed June 9, 2006 : Examiner Maria Louisa Lao  
METHOD FOR PRODUCING : **Mail Stop: Amendment**  
ORTHOMETALATED AND  
ORTHOSUBSTITUTED AROMATIC  
COMPOUNDS

**RESPONSE TO RESTRICTION REQUIREMENT AND**  
**REQUIREMENT FOR ELECTION OF SPECIES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

Sir:

This is responsive to the Office Action of August 24, 2007, constituting a requirement for restriction, and a requirement to elect a single disclosed species (and/or sub-group).

Interview Summary

On September 17, 2007 Applicants' attorney discussed the restriction requirement with Examiner Lao by telephone. Applicants' attorney noted that claim 3 (Group II) is dependent on claim 2 (Group I, also including claim 1), and that formula (Ib) and formula (Ic) in claim 3 are both within the scope of formula (I) in claim 2. Applicants' attorney therefore indicated that claims 1-3 should be grouped together. The Examiner indicated that she would discuss this matter with her supervisor and then contact Applicants' attorney.

On September 19, 2007 the Examiner contacted Applicants' attorney, and during the discussion it seemed to Applicants' attorney that the restriction requirement was based on the

original claims, since the Examiner stated that she had not considered the Preliminary Amendment filed with the application on June 9, 2006. The Examiner indicated she would review this matter and again contact Applicant's attorney.

On September 21, 2007, Applicants' attorney contacted the Examiner, who indicated that she found the Preliminary Amendment, but had not yet had an opportunity to discuss the restriction requirement with her mentor. The Examiner indicated she would contact Applicants' attorney after discussing it with her mentor.

Response

If the restriction requirement and requirement for election of species (and/or sub-group) are maintained, Applicants hereby elect the Group I subject matter, i.e. claims 1 and 2. For the species (and/or sub-group), Applicants elect the compounds of formula (I) in claim 1 where M is Li, X<sub>1</sub> is N and X<sub>2</sub> is N.

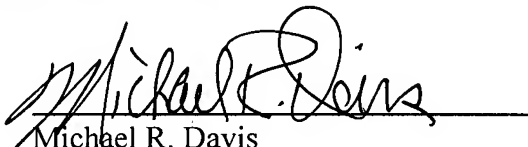
These elections are made while reserving Applicants' rights under 35 U.S.C. §121 to file a divisional application for the non-elected subject matter.

Action on the merits is requested.

Respectfully submitted,

Andreas PFALTZ et al.

By:



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September 24, 2007